

ORDER NO. 18 222
ENTERED JUN 18 2018

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 383

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

On May 3, 2018, the Public Utility Commission of Oregon filed a complaint against defendant. The complaint charged defendant with a violation of law, OAR 952-001-0070(1). Defendant committed the violation described in this complaint within one year from the date a prior order was issued. *See* Order No. 17-383. A penalty shall be imposed in the amount of \$5,000 for the violation alleged, and the \$1,000 penalty that was suspended in Order No. 17-383 entered against defendant shall be reinstated, for a total penalty of \$6,000. On May 3, 2018, a copy of the complaint was served.

On May 20, 2018, the parties in these proceedings entered into a stipulation, which is attached as Appendix A.

Under the terms of the stipulation, defendant admits committing the alleged violation and agrees that the Commission may enter an order assessing civil monetary penalties. Defendant also agrees to provide the Commission with a current plan or procedure (policy) that identifies the company's workflow process for marking underground facilities, investigating and troubleshooting damages to underground facilities, within 60 days following the entry of a final order.

The parties further agree that a portion of the penalties should be suspended, unless defendant fails to comply with any provision of the stipulation or violates any rule adopted by the Oregon Utility Notification Center under ORS 757.552 for a period of one year following the date of the Commission's final order in these proceedings.

The stipulation is adopted. From the foregoing, it is concluded that no hearing is required. Under the terms of the stipulation, the allegations of the complaint are true, and Defendant has violated the Oregon Administrative Rule as alleged. Under the provisions of ORS 757.993, penalties should be assessed against defendant under the terms and conditions of the stipulation.

ORDER

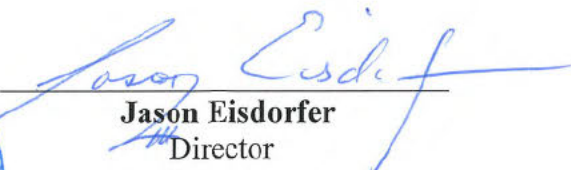
IT IS ORDERED that:

1. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against PORTLAND GENERAL ELECTRIC COMPANY in the total amount of \$6,000, for a new violation of law (\$5,000), and the balance of the penalties (\$1,000) which is reinstated from Order No. 17-383 entered against defendant.
3. Defendant shall pay the sum of \$1,000, due and payable within 30 days from the date of service of this order.
4. Payment of the balance of the penalties (\$5,000) shall be suspended, unless:
 - (a) A showing is made that defendant has violated, within one year of the date of this order, any rules administered by the Oregon Utility Notification Center; or
 - (b) Defendant fails to timely provide the Commission with a current plan or procedure (policy) that identifies the company's workflow for marking underground facilities, investigating and troubleshooting damages to underground facilities within 60 days following the entry of this order. The policy must include but is not limited to the following:

- 1) Description of the purpose of the policy and commitment thereof by leadership, management, and employees;
 - 2) Identification of notifications and types of responses for marking underground facilities;
 - 3) Identification of tasks assigned to participants by title or position and their roles and responsibilities in the workflow process;
 - 4) Identification of the technology or systems and methods used throughout the policy that enables the completion of identified tasks; and
 - 5) Criteria for periodic review of effectiveness and identification of best practices.
5. If the defendant has not met the requirements and time periods set forth in paragraphs 3 and 4 above, the unpaid balance of the amount assessed in paragraph 2 will be due immediately following the expiration of the time periods.

Made, entered, and effective JUN 18 2018




Jason Eisdorfer
Director
Utility Program

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

NC 383

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

STIPULATION FOR ENTRY OF FINAL
ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Assistant Attorney General, and Portland General Electric Company, the Defendant herein, hereby stipulate as follows:

1.

A Complaint in this case is pending before the Commission charging the Defendant with a violation of OAR 952-001-0070(1), and proposing a civil penalty of \$5,000 for the current violation and a \$1,000 civil penalty per Order No. 17-383.

2.

Both parties to this proceeding are willing to forego further processing of that Complaint and further are willing to resolve this matter on the basis of this Stipulation.

3.

The Defendant admits that the pending violation was committed as alleged in the Complaint and is willing for the Commission to enter an order finding that the violation was committed as alleged in the Complaint.

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4.

The parties further agree that the Commission may enter an order assessing civil monetary penalties against Defendant in the amount of \$6,000 under the following terms and conditions:

- A. Defendant must sign and return this Stipulation within 20 days of the date it was served upon (mailed to) Defendant.
- B. The \$1,000 civil penalty becomes due and payable from Order No. 17-383 (Docket NC 370) on or before the 30th day following the Commission's entry of its order in this docket.
- C. Payment must be by money order made out to the Public Utility Commission of Oregon, and the memo line of the money order must state the "NC" docket number for this docket in the caption of this Stipulation.
- D. Payment of the remaining civil penalties (\$5,000) is suspended and will be waived and no further penalties will be imposed for the violation alleged in the Complaint unless Defendant fails to comply with all of the terms of this Stipulation and all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period following the date of the Commission's entry of an order.
- E. On or before the 60th day following the Commission's entry of its order in this docket, Defendant must provide a current plan or procedure (policy) that identifies the company's workflow for marking underground facilities, investigating and troubleshooting damages to underground facilities. The policy must include but is not limited to the following:
- (1) Description of the purpose of the policy and commitment thereof by leadership, management, and employees;
 - (2) Identification of notifications and types of responses for marking underground facilities;

1 (3) Identification of tasks assigned to participants by title or position and their roles
2 and responsibilities in the workflow process;

3 (4) Identification of the technology or systems and methods used throughout the
4 policy that enables the completion of identified tasks; and

5 (5) Criteria for periodic review of effectiveness and identification of best practices.


6 F. In the event that Complainant contends that Defendant has not complied with all of
7 the terms of this Stipulation and all OUNC rules for that one-year period,
8 Complainant may reopen this proceeding and petition for imposition of all or a
9 portion of the suspended penalties. In such case, Defendant is entitled to a hearing
10 and to be notified of the basis upon which Complainant contends that compliance has
11 not occurred.

12 G. Complainant's failure to enforce any provision of this Stipulation, or decision to
13 waive any violation or nonperformance of this Stipulation in one instance, will not
14 constitute a waiver by the Complainant of that provision, any other provision, or any
15 other violation or nonperformance in another instance.

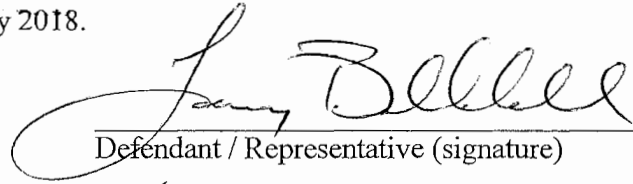
16 5.

17 This Stipulation is conditioned upon final approval of its terms by the Commission. If
18 the Stipulation is not accepted in its entirety, it is deemed withdrawn.

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20 DATED this 3rd day of May 2018.

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22 
23 Johanna M. Riemenschneider, # 990083
24 Senior Assistant Attorney General
25 Of Attorneys for the Public Utility Commission
26 of Oregon

1 DATED this 20 day of May 2018.

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3 
Defendant / Representative (signature)

4 Larry BEKKEDAH
5 (Print Name)

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